



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,483	09/30/1999	PARTHASARATHY SARANGAM	042390.P7091	6937

7590 04/24/2002

ALOYSIUS TC AUYEUNG
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

WON, YOUNG N

ART UNIT PAPER NUMBER

2155

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/410,483

Applicant(s)

SARANGAM ET AL.

Examiner

Young N Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

1. Claims 1-28 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6, 7, 10-13, 15-17, 20, 21, and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Day, II et al. (U.S. Pat. No. 5,968,116).

As per claims 1, 10, 20, and 23, Day, II teaches of a method in a client device, an apparatus comprising logic (see title: Method and Apparatus), and an article of manufacture comprising a machine readable medium having a plurality of machine readable instructions stored thereon (see col. 11 lines 12-18), wherein when the instructions are executed by a processor, comprises: detecting alert events on a client

Art Unit: 2155

or apparatus (see col.3 lines 56-57: interrogate and manipulate) using an integrated platform independent agent (see col.3 line 55: agent and col.5 lines 20-23) integrated with said client (see col.5 lines 57-58), while said apparatus functions in an operating system unavailable mode (see col.3 lines 58-64); reporting detected alert events (see col.6 lines 13-18) by said integrated platform independent agent to a remote alert proxy (see col.4 line 67: server) in a platform independent manner complemented by a platform type (see col.12 lines 39-41 & 43-45); and translating (see Fig.3) said reported alert events to platform specific alert events by said alert proxy (see col.7 lines 7-63).

As per claims 16, 25, and 27, Day, II teaches of a server with a method comprising, an apparatus comprising logic (see title: Method and Apparatus), and an article of manufacture comprising a machine readable medium having a plurality of machine readable instructions stored thereon (see col.11 lines 12-18), wherein when the instructions are executed by a processor, the instructions subscribe the processor to: receiving detected (see col.3 lines 56-57: interrogate and manipulate) alert events of a client device from an integrated platform independent agent (see col.3 line 55: agent and col.5 lines 20-23) of the client device, in a platform independent manner complemented with a platform type (see col.12 lines 39-41 & 43-45); and translating said received alert events to platform specific alert events (see col.7 lines 7-63).

As per claims 2 and 11, Day, II further teaches of detecting said alert events on said client further comprises detecting alert events while said client is in a reduced function state (see col.3 lines 63-64 and col.12 lines 6-7).

Art Unit: 2155

As per claims 3 and 12, Day, II further teaches wherein said reduced function state includes an operating system hung state (see col.1 lines 59-60 and col.2 line 36).

As per claims 4, 13, 21, and 24, Day, II further teaches wherein reporting said detected alert events further comprises: composing a network data packet (see col.4 line 57: message packet), said network data packet including an event code (see col.6 lines 23-27); and transmitting said network data packet including said event code to said remote alert proxy (see col.8 lines 1-3).

As per claims 6 and 15, Day, II further teaches wherein said event code includes a BIOS POST code (see col.11 lines 45-48).

As per claims 7, 17, 26, and 28, Day, II further teaches wherein translating said reported alert events further comprises referencing a description data file using said platform type (see col.12 lines 27-31).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day, II et al. (U.S. Pat. No.5968116) as applied to claims 1, 4, 10, 13, 20, and 21 above, and further in view of Nessel et al. (U.S. Pat. No.5968176). Day, II does not teach wherein composing said network data packet comprises encapsulating said

Art Unit: 2155

network data packet according to at least one of a plurality of encapsulation protocols including a remote management and control protocol (RMCP) and a simple network management protocol (SNMP). Nessett teaches wherein composing said network data packet comprises encapsulating said network data packet according to at least one of a plurality of encapsulation protocols including a remote management and control protocol (RMCP) and a simple network management protocol (SNMP) (see col. 4 lines 31-34 and col.16 lines 31-42). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to employ the teachings of Nessett within the system of Day, II, by encapsulation the data packet with such protocols, because this would ensure that there is no conflict from the sending end to the receiving and produce a seemingly transparent network.

4. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day, II et al. (U.S. Pat. No.5968116) as applied to claims 1, 7, 16 and 17 above, and further in view of Regnier et al. (U.S. Pat. No.5689708). Day, II does not teach wherein referencing said description data file comprises referencing a plain text "ini" file.

Regnier teaches wherein referencing said description data file comprises referencing a plain text "ini" file (see col.2 lines 45-49). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to employ the teachings of Regnier within the system of Day, II, by making the data files be of a plain text "ini" file, because "ini" files are commonly used in servers in applying restrictions upon clients,

Art Unit: 2155

thus making the system of Day, II more versatile and also to prevent further harm to the client system.

5. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day, II et al. (U.S. Pat. No.5968116) as applied to claims 1, 7, 16 and 17 above, and further in view of Attal (U.S. Pat. No.5860010). Day, II does not teach wherein referencing said description data file comprises referencing one of a management information format (MIF) file and a management information block (MIB) file. Attal teaches wherein referencing said description data file comprises referencing one of a management information format (MIF) file (see col.4 lines 18-21 and col.5 lines 43-48) and a management information block (MIB) file (see col.7 lines 3-7). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to employ the teachings of Attal within the system of Day, II, by making data files reference (MIF) and (MIB), because this allows for the server to perform debugging functions more specifically and precisely.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-F: 8AM-4PM.

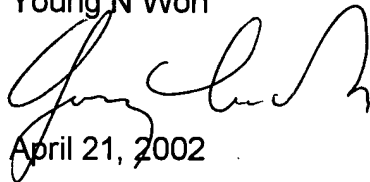
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers

Art Unit: 2155

for the organization where this application or proceeding is assigned are 703-305-3718 for regular communications and 703-305-5352 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won



April 21, 2002



AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.